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35 USC 112 Rejections

1. The claim language has been revised to exclude the use of the terms "space of fields".
2. The claim language has been amended to recite methods.
3. The claim language has been amended to address antecedent requirements.

35 USC 101 Rejections

The claims as amended exclude non-statutory subject matter as required.

35 USC 102 Rejections**Claim 1:**

The examiner notes that Krysiak reads on the claims. The applicant submits that Krysiak has a different use of terms. The Knowledge Domains of Krysiak are fields of knowledge, and the Trust Networks in the terminology of Krysiak are the networks of people that have an association with a particular field in that knowledge network that can assess the professional competence of a member based on their knowledge of that field.

There is no reference in Krysiak to a Trust Network or Layer as in the present invention, as an integrity issue vital for professional collaboration for the creation of economic value. The present invention identifies and combines critical information for the formation of collaboration networks for creating economic value using one or more social network with one or more linked professional networks not available in the background art.

Claim 2:

The applicant submits that the Trust network of Krysiak relates to a network of people in the Professional Domain. The Present invention relates to social networks that create the Trust Layer (see for example Fig 4 – campus, village, building etc unrelated to professional activity)

Claim 3:

Claim 3 has been amended and no longer contains the language objected to by the examiner. Reference to the current form of the claim is in Fig 8,9, 10.

Claim 4:

The applicant submits that the Claim 4 as revised is not anticipated by Krysiak.

Claim 5:

The applicant submits that the Claim 5 as revised is not anticipated by Krysiak.

Claim 11:

Cancelled.

Claim 12:

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The applicant submits that the claim as amended has experts that need to inhabit a Trust Layer for the integrity evaluation that is not available in Krysiak.

35 USC 112 Rejections**Claims 6-9:**

Claims 6-9 are currently amended.

The examiner states that it would have been obvious to anyone with skill in the art to have used knowledge in the business world of assurances to the application in the present invention. The applicant respectfully submits that nothing in the background art teaches the use of guarantees and assurances in either a Trust Layer or a Professional Layer as in the present invention.

First, with regard to the proposed combination of Krysiak and the assurances in the business world. It is well known that in order for any prior-art references themselves to be validly combined for use in a prior-art § 103 rejection, the *references themselves* (or some other prior-art) must suggest that they be combined. E.g., as was stated in In re Sernaker, 217 U.S.P.Q. 16 (C.A.F.C. 1983):

"[P]rior art references in combination do not make an invention obvious unless something in the prior-art references would suggest the advantage to be derived from combining their teachings."

That suggestion to combine should not come from applicant was forcefully stated in Orthopedic Equipment Co. v. United States, 217 U.S.P.Q. 193,199 (CAFC 1983):

"It is wrong to use the patent in suit [here the patent application] as a guide through the maze of prior art references, combining the right references in the right way to achieve the result of the claims in suit [here the claims pending]. Monday morning quarterbacking is quite improper when resolving the question of nonobviousness in a court of law [here the PTO]."

As was further stated by Uniroyal, Inc. v. Rudkin-Wiley Corp., 5 U.S.P.Q.2d 1434 (C.A.F.C. 1988),

"[w]ere prior art references require selective combination by the court to render obvious a subsequent invention, there must be some reason for the combination other than the hindsight gleaned from the invention itself....*Something in the prior art must suggest the desirability and thus the obviousness of making the combination.*" [Emphasis supplied].

In line with these decisions, recently the Board stated in Ex parte Levingood, 28 U.S.P.Q.2d 1300 (P.T.O.B.A.&I. 1993):

"In order to establish a *prima facie* case of obviousness, it is necessary for the examiner to present *evidence*, preferably in the form of some *teaching*, *suggestion*, *Incentive* or *inference* in the applied prior art, or in the form of generally available knowledge, that one having ordinary skill in the art *would have been led to* combine the relevant teachings of the applied references in the proposed manner to arrive at the claimed invention. That one can *reconstruct* and/or explain the theoretical mechanism of an invention by means of logic and sound scientific reasoning does not afford the basis for an obviousness conclusion unless that logic and reasoning also supplies sufficient



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impetus to have led one of ordinary skill in the art to combine the teachings of the references to make the claimed invention..... Our reviewing courts have often advised the Patent and Trademark Office that it can satisfy the burden of establishing a *prima facie* case of obviousness only by showing some objective teaching in either the prior art, or knowledge generally available to one of ordinary skill in the art, that 'would lead' that individual 'to combine the relevant teachings of the references.'Accordingly, an examiner cannot establish obviousness by locating references which describe various aspects of a patent applicant's invention without also providing evidence of the motivating force which would impel one skilled in the art to do what the patent applicant has done."

In the present case there is no reason given in the Office Action to support the proposed combination, other than the statement:

"It would have been obvious to one of ordinary skill in the art at the time the invention to seek reputation guarantees as doing so minimizes, distributes, or passes the risk taken to others when undertaking an economic venture"

However the fact that both references taken together teach separately and independently, some aspects of the Claims 6-9, is not sufficient to gratuitously and selectively combine parts of one reference with the part of another reference in order to meet applicant's novel claimed combination.

Moreover, the Office Action inference above that the combination as noted by the examiner, produce an advantage. Applicant submits the fact that the combination produces advantages militates in favor of the *applicant* because it proves that the combination produces new and unexpected results and hence is unobvious.

As stated in the above Levengood case,

"That one can reconstruct and/or explain the theoretical mechanism of an invention by means of logic and sound scientific reasoning does not afford the basis for an obviousness conclusion unless that reasoning also supplies sufficient impetus to have led one of ordinary skill in the art to combine the teachings of the references to make the claimed invention."

Applicant therefore submits that combining Krysiak and the assurances in the business world is not legally justified and is therefore improper.

Second, the use of multi-link chained guarantees for reputation and trust, in the present invention, is unprecedented in the background art. The examiner notes the presence of Credit default swaps re-insurance, credit ratings and underwriting and other financial instruments that depend heavily on the balance sheets of the writers of these contracts and /or are dependant on the aggregate statistics of default or performance often in pools of securities or contracts and are may be economic for large transactions.

The present invention in contrast to these instruments uses the special trust structure of the chain of trust in a thread to enable the creation of a new instrument for risk management. Such an instrument cannot exist without the establishment of the chain of trust and is enabled by a complete chain of risk mitigation offerings from the Match to the Originator as established in the present invention. Each leg of the instrument in a link is contingent on the offering of the instrument in the prior leg or link. It becomes considerably more credible when one or more complete threads extend between the Match and the originator.



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Thus the applicant respectfully submits that the rejection on these references is also improper and should be withdrawn.

Claim 10:

The examiner states that "it would have been obvious to one skilled in the art at the time of the invention to incorporate the bidding system of Walker with the Trust Networks and Knowledge Domains of Krysiak".

First, the applicant respectfully submits that for the reasons stated herein Krysiak does disclose a Trust Layer but rather refers to the network of those that inhabit the Knowledge Layer as the Trust Network. Therefore combination of Krysiak with any other reference even if taught in the background art does not anticipate the present invention.

Second, for the reasons noted above, the applicant respectfully submits that combination of two or more references if not taught in the background art is not proper.

Thus the applicant respectfully submits that the rejection on these references should be withdrawn.

Conclusion

For all the above reasons, the applicant submits that the Claims as revised define patentability over the prior art. The Applicant has attached mark ups for entry for changes in the specification, abstract and claims.

Very respectfully,



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Att:

1. Mark up Claims
2. Amended Claims
3. Marked up Specification and Abstract
4. Amended Specification and Abstract
5. Fee for one month delay in response.

